DISSENTING NOTE BY MESSRS. C. NARASIMHAIYYA AND B. K. GARUDACHAR TO THE REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION.

Section 12.

For substituting the words "was assessed to" for the words "has been paying" in clause (c) of Section 12, no valid reason has been assigned. Even the draft Bill that was placed before council does not disclose any reason. In the statements of objects and reasons, attached to the Bill, and notes on clauses no suggestion has been thrown out for a change in this particular section. It appears to have been simply inserted at the suggestion of some municipal council or councillors. Even the Local Self Government Conference has not made a recommendation of this kind.

The *Election Roll* contemplated in Section 13, is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality. If in the opinion of the framers of the Bill, Election Roll and Khata mean one and the same thing, then there is no necessity to prepare a separate Roll at all. The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues. That was the very reason why in an Election Roll only the names of such persons who have paid the taxes were included. A citizen will not, by merely living or owning property in a city, acquire a right to vote, unless a universal franchise is conceded, and unless, he actually pays before the preparation of the Roll, he has to lose his right. It may lead a citizen to be indifferent, negligent or even to refuse to vote. It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon. The proposed change is not desirable. Such a practice does not obtain either in the Bombay or in the Madras Presidencies and a proposal to this effect was negatived in the Madras Legislative Council. We therefore record our dissent on the amendment.

Section 46.

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye-laws suited to the condition of each locality. The rules so framed should not be inconsistent with the Regulation and they have to be approved by the Government. But the proposed alteration deprives the Council of all its powers of framing Rules and Bye-laws as regards clauses (*b*)(*ii*), (*c*), (*e*), (*f*), (*g*) and (*h*), and vests the power in the Government. No reason has been assigned for this drastic change. No instances have been brought to light in which Municipalities have used this power to their detriment or to the annoyance of the Government. Very strong reasons must be urged to take away such powers enjoyed by the Municipalities for years together. The objects and reasons and notes to clauses do not disclose any reason. The only reason assigned during the discussion in the Select Committee, is that power is reserved to Government because of its intention to transfer Municipal Officers and servants from one Municipality to another. There is no provision in the proposed Bill to give effect to such transfers. Even in the proposed amendment of Section 46, there is no provision for transfers. This is something like putting the cart before the horse. The proposed amendment can be thought of only when there is a provision for mutual transfers of officers and servants from one Municipality to another. The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment. We therefore, record our dissent on the proposed amendment to Section 46.

Section 59, Clause XI.

The addition of the words "and other places" after shop and "or profession" after business, are not necessary. The idea of the framers of the Bill is clearly explained in notes on clause 12. It clearly shows that the object is to levy shop-tax in lieu of profession tax in respect of *business carried on in the shop*. The framers of the Bill did not mean that the levy should extend to any profession carried on in one's own house or in any other place except a shop. If the proposed change is accepted it means that a weaver, a potter, a goldsmith, a washerman, etc., who uses a portion of his living quarters for earning daily bread will have to be taxed. It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them. Our benign Government are making strenuous efforts to encourage and help Home Industries. We therefore oppose the addition of the said words to the Draft Bill.

Section 95 (a).

To amend the Section 95 (*a*) so as to affect the present grain shop-owners is undesirable. There are many petty traders and their capital may not exceed more than a couple of

hundreds of rupees. It will be an uphill task to the petty traders to improve their premises or warehouses in accordance with the clauses of the new Bill. Even a reasonable time within which the existing warehouses could be improved is not thought of and no provision made giving such facilities to the existing warehouses. Whatever may be the restriction that may be placed upon the warehouses to be opened after the passing of this Regulation, the existing warehouses should not be forced to come under the New Regulation for punishment. Therefore the word "used" in the proposed clause should be deleted.

The Municipal Regulation as it now exists and the Bill now introduced for amendment are complicated. There is only one Regulation for the City, Town, and other Minor Municipalities. One has to wade through to find out the sections relating to the City and Town Municipalities. Such a difficulty was experienced by us when reading the Bill in the Select Committee. It is essential that there should be separate Regulations for different kinds of Municipalities. We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City, Town and Minor Municipalities.

C. NARASIMHAIYA.
E. K. GARUDACHAR.

OFFICIAL MEMORANDUM.

No. 3426, *dated Bangalore, 4th January* 1926.

The Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill which was printed in the *Mysore Gazette*, dated the 17th December 1925, is reprinted below. Some mistakes which were observed have been corrected here and the changes proposed by the Select Committee are clearly exhibited.

By Order,
R. RANGA RAO,
Secretary, Legislative Council.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE VILLAGE PANCHAYET BILL.

We, the members of the Select Committee appointed to consider the Village Panchayet Bill, met and considered the Bill at 4 sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(Sd) M. RAMACHANDRA RAO.
,, B. NAGAPPA.
,, C. S. BALASUNDARAM IYER.
,, S. HIBIANNAIYA.
,, D. H. CHANDRASEKHARAIYA.
,, K. P. PUTTANNA CHETTY.
,, H. CHENNAIYA.
,, MAHOMED ABBAS KHAN.
,, K. MATTHAN.
,, K. CHANDY (*Chairman*).
,, B. NARASINGA RAO.*

*Mr. B. Narasinga Rao who was not present at the final meeting of the Select Committee at which the Report was signed by the members has subsequently signed the Report subject to certain observations which are printed at the end of the Report.